

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 27, 2019. MAYOR ANTHONY DELUCA PRESIDED.

Mayor Deluca read the requirements of the Open Public Meetings Act.

The Salute to the Flag was led by Mayor Deluca.

ROLL CALL

Roll Call at 8:00 P.M. showed the following Council Members present: Kay Ceceri, Larry Clementi, Mark David, Linda Karlovitch, Gerry Laudati and Robert Schielke.

MINUTES

It was moved by Councilman Ladauti, seconded by Councilwoman Karlovich and carried that the minutes of the Regular Council Meeting, Work Session of February 13, 2019 be approved as submitted. (Copies furnished each Council Member prior to the meeting). All in favor.

COMMUNICATIONS AND PETITIONS

- NJSLOM Notices (emailed to all)
- 2019 Infrastructure Grant Announcement
- The ARC Union County – No Parking Request
- UC St. Patrick’s Day Parade Committee – Invitation Sat., March 16th at Noon

It was moved by Councilman Clementi, seconded by Councilwoman Ceceri and carried that the above communications be received and filed and any money amounts indicated be spread over the minutes. All in favor.

MAYORS REPORT

Kenilworth Library is hosting “Saving on your Taxes” on Monday, March 4, 2019 @ 6:30PM. This free event will focus on the recent tax reform changes, social security planning and other financial topics. You will get a better understanding of the tax code changes and how they will affect your income and life style. Handouts will be provided and highlight the major changes in the tax law as well as providing effective planning tips that are prepared for these changes before next years file. There will be plenty of time during and after the presentation to ask questions. Registration is required, please call the Library at 908-276-2451 or visit 548 Boulevard to register for this event. There will be a free Rabies Clinic at the Kenilworth Fire House, 491 Washington Ave., Kenilworth on Sunday, March 10, 2019 from 10AM to 1PM. Please keep cats in crates and if your dog is more energetic than normal he recommends a short leash and if he has a tendency to say hello with his teeth, a muzzle is recommended. Also please bring the appropriate bags to pick up after your pet. The Kenilworth Public Library will host a Broadway musical concert Jazz combo on Saturday March 16, 2019 at 11:30AM to 12:30PM, registration is required for this free program, please call the library at 908-276-2451 or visit the library. Mayor Deluca said we had a rough month and his prayers go out to all the families that have to deal with the loss of one of their loved ones.

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The Kenilworth Boy Scouts Troop 83 defended their title and won their second consecutive Klondike Derby. The Klondike Derby is a circuit course where wilderness and winter survival skills are put to task in a competitive environment. Each team must put in a hand built dog sled that carries all equipment needed as well as personnel. The scouts pull their sled to each station where they are presented a skill challenge. Out of 20 other troops, our boys persevered and won again. The Mayor congratulated all the boys in Troop 83. The Mayor said be grateful for what you have and make every day count.

REPORT OF COMMITTEES

FINANCE DEPARTMENT

Councilwoman Karlovitch reported that Senior Tax Freeze Booklets have been mailed to the seniors who have participated previously. The PTR booklets have a due date of October 31st. The Tax and Finance Offices does not have any blank booklets available. The State usually mails these booklets by the end of March. New applicants are eligible at 65 years old and can apply to the State at 67 years old and must meet certain income eligibility requirements. For more information about the PTR or Senior Freeze Program, you can call 1-800-882-6597. The Finance Department emailed an outline and timeline to implement a new Borough Senior Handyman Program as a result of the end of the CDBG grant fund program that will end on August 31st. Staff in the Finance Department will be waiting for further guidance.

DEPARTMENT OF PUBLIC WORKS

Councilman David reported that tonight the Mayor will read a Proclamation on Superintendent Dan Ryan's retirement. The DPW committee, over the last couple of weeks, have done interviews to appoint someone to that position. After carefully going through candidates, the person that will be the new Superintendent of the DPW is Joseph Kania. Joseph is presently the acting Superintendent and has been with the Borough for about 15 years. Throughout the interviewing process he has proven that he knows what he is doing, he has the respect of the men and he thinks he is going to do a great job. Councilman David welcomed Joe on board. He thanked Dan Ryan for 25 years of service to the Borough.

PUBLIC SAFETY

Councilman Clementi reported that on February 12, 2019, Kenilworth liquors was robbed at gun point at 2:32 PM by 2 Hispanic males, a black handgun was shown. The two suspects exited the store through the back entrance and fled the store. Kenilworth detectives assisted the FBI in apprehending the two suspects, Paul Humenez and Jimmy Fontenez were apprehended on a federal arrest warrant for multiple armed robberies in Union County and surround areas of New Jersey. Councilman Clementi said it was great thing to arrest an organized ring and they are serving time. Axon body worn cameras are now being worn by the Kenilworth Police Department.

DEPARTMENT OF PLANNING, ZONING & ORDINANCES

Councilman Schielke said he had no report tonight. He said he wanted to pass along his sympathies to the Beninati family, John passed a few weeks ago, he was not only a WWII vet but he was a big influence when he first came on the Planning and Zoning Board ten years ago. He helped him a lot and he passed along his sympathies to the family.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 27, 2019. MAYOR ANTHONY DELUCA PRESIDED.

DEPARTMENT OF RECREATION AND FIRE

Councilwoman Ceceri had no report tonight.

DEPARTMENT OF HEALTH, EDUCATION & HUMAN SERVICES

Councilman Ladauti reported the public school system in Kenilworth will have their new Superintendent in a week or so, his name is Mr. Arlington and he has a Master's Degree in Education and in English. The school is going through the budget process. The Library will continue its summer programs. The Health Department will have their Rabies Clinic in 2 weeks.

CONSENT AGENDA

Resolutions No. 1 thru 13 are listed on Consent Agenda and will be enacted by one motion in the form listed below. All items will be recorded individually in full in the minutes.

Councilwoman Karlovich moved that all items under the Consent Agenda be approved, seconded by Councilman Schielke. All in favor.

RESOLUTION NO. 1

BE IT HEREBY RESOLVED, that all bills be paid when properly audited and funds are available.

RESOLUTION NO. 2

BE IT HEREBY RESOLVED:

WHEREAS, N.J.S. 40A:4-19 of the Local Budget Act provides that (where any contracts, commitments or payments are to be made prior to the final adoption of the Budget), temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, Resolution #5 was approved on January 1, 2019 for the 2019 Temporary Budget; and

WHEREAS, the Resolution #3 was approved for an amendment to the 2019 Temporary Budget on January 23, 2019; and Resolution #2 on February 13, 2019

WHEREAS, the total temporary budget attached does not in amount exceed 26.25% of the total appropriations in the 2018 Budget (exclusive of any appropriations made for Debt Service, Capital Improvement Fund and Public Assistance (Relief); now therefore,

BE IT HEREBY RESOLVED, that the appropriations below be amended and a certified copy of this resolution be transmitted to the Municipal Finance Officer for his records.

Account#	Account	Amount
9-01-20-705-020	Finance – Other Exp.	\$ 5,000.00

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 27, 2019. MAYOR ANTHONY DELUCA PRESIDED.

9-01-28-795-010	Recreation – S/W	\$ 5,000.00
9-01-31-774-000	Utilities - RVSA	\$226,489.00
9-01-20-706-020	Payroll&Human Resc. O/E	\$ 2,000.00
9-01-20-712-019	Legal OE	\$ 10,000.00
9-01-21-720-020	Planning Board O/E	\$ 5,000.00
9-01-26-775-000	Recycling O/E	\$ 20,000.00
	Total this amendment	\$273,489.00
	Total Appropriations for the 2019 Temporary Budget	\$4,277,439.00

RESOLUTION NO. 3

WHEREAS: Tax overpayments were made for the 1st quarter of 2019 for the following properties located in Kenilworth, NJ, and;

WHEREAS, this resulted in the overpayment of taxes for the 1st quarter of 2019, and;

NOW, THEREFORE BE IT RESOLVED that the Treasurer, after proper notation on the tax account records by the Collector of Taxes, be and is hereby authorized to issue a warrant as follows.

Corelogic Tax Services – Duplicate Payment

Attn: Centralized Refunds, P. O. Box 9202, Coppell, TX 75019

BL 66/Lot 11 18 Epping Drive \$ 2,433.64

David Delli Santi – 100% Exempt Vet

39 So. 19th Street, Kenilworth, NJ 07033

BL 113/Lot 24 39 So. 19th Street \$ 1,654.43

RESOLUTION NO. 4

WHEREAS, the Borough of Kenilworth held a tax sale on June 25, 2015 for delinquent 2014 taxes, and a tax lien was purchased by TWR As CST For Ebury Fund 1NJ but then assigned to Trystone Capital Assets, LLC., for the property located at 18 No. 11th Street, Kenilworth, NJ, and

WHEREAS, Classic Business Solutions, Inc., (closing company) has satisfied said lien, together with interest and costs by payment of amount due at the Office of the Collector of Taxes, and

WHEREAS, the Lienholder paid to the Collector of Taxes a premium in the amount of \$35,100.00 and since the statutory period of five years has not passed, these funds must also be returned.

NOW THEREFORE BE IT RESOLVED, that the Treasurer be and is hereby authorized to draw a warrant to the named Lienholder as follows, **to be refunded upon receipt of the original Certificate of Sale #15-00003** by the Collector of Taxes:

Trystone Capital Assets, LLC.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 27, 2019. MAYOR ANTHONY DELUCA PRESIDED.

P. O. Box 1030
Brick, NJ 08723-1030

REDEMPTION AMOUNT - \$64,438.27

PREMIUM TRUST ACCOUNT - \$35,100.00

Treasurer's Note: 1099 = \$17,029.37

RESOLUTION NO. 5

BE IT HEREBY RESOLVED that **MAUREEN MILLER**, 52 North 20th Street and **ANTONIO LAVERSA**, 30 North 18th Street, Kenilworth, NJ, be appointed as Alternate School Crossing Guards for the year 2019 at a rate of \$18.04.

RESOLUTION NO. 6

WHEREAS, **ENRIQUE LAMELA, ESQ.** was appointed as Municipal Prosecutor for the year 2019, on January 1, 2019, effective immediately upon passage of this resolution.

BE IT FURTHER RESOLVED, that the Municipal Prosecutor be compensated at a rate of \$1,250.00, per month; not to exceed \$15,000.00 per annum.

RESOLUTION NO. 7

WHEREAS, the Kenilworth Board of Health passed a resolution on October 29, 2018, appointing Karen Kizelevich as part time Department Secretary at a rate of \$14.00 per hour for the position's regular twenty (20) hour week schedule; and

WHEREAS, Mrs. Kizelevich changed from full time employment in the Construction Department to the part time Board of Health appointment and has agreed to assist with transitional training as needed.

BE IT HEREBY RESOLVED, that Mrs. Kizelevich may work up to an additional five (5) hours per week in the Construction department at her former rate of \$18.56 per hour, as needed for transitional training of newly appointed Construction Clerk.

RESOLUTION NO. 8

WHEREAS, the Public Works Superintendent Ryan's retirement is effective March 1, 2019; and

WHEREAS, the Interview Committee, through an extensive application and interview process, has done their due diligence in finding a replacement for the Public Works Superintendent position; and

WHEREAS, the Committee recommends the appointment of Joseph Kania, CPMW as the Superintendent of Public Works for the Borough of Kenilworth for a three year term commencing March 4, 2019.

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 27, 2019. MAYOR ANTHONY DELUCA PRESIDED.

BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey that the Mayor and Borough Clerk are authorized and directed to execute the contract, which conforms in substance, between the Borough of Kenilworth and Joseph Kania, Jr.

BE IT FURTHER RESOLVED, by the Borough Council that any relevant contribution changes authorized by this agreement are March 4, 2019.

RESOLUTION NO. 9

WHEREAS, the Union County Board of Chosen Freeholders has announced the Union County Infrastructure and Municipal Aid Grant Program for 2019; and,

WHEREAS, this grant is designed to stimulate the development of local projects of economic, social, transport and governmental importance to local municipalities; and

WHEREAS, the Borough of Kenilworth agrees to conform the with the terms and conditions of this important matching grant opportunity; and

WHEREAS, the Mayor and Council of the Borough of Kenilworth County of Union State of New Jersey do hereby authorize the following grant applications, prioritized in the order listed below:

<u>Project</u>	<u>Match Request amount</u>
1. Borough Hall Safety and Security Improvements – Phase II	\$85,000.00
2. Repair & Replacement of Borough Sidewalks	\$37,500.00
3. Public Works Facility HVAC Rehabilitation	\$18,000.00
4. Borough Hall Structure Repair	\$30,000.00
Total Request.....	\$170,500.00

NOW THEREFORE, BE IT RESOLVED THAT, the Mayor and Clerk are authorized to submit this grant on behalf of the Borough of Kenilworth; and

BE IT FURTHER RESOLVED, that the Mayor and Council find this project to be in the public interest by serving a much needed public purpose and therefore worthy of funding by the Union County Infrastructure and Municipal Aid grant program for 2019; and

RESOLUTION NO. 10

WHEREAS, Daniel Ryan has notified the Borough of Kenilworth of his intention to resign from the Kenilworth Public Works Department effective March 1, 2019; and

WHEREAS, the Department of Public Works Superintendent has certified that Daniel Ryan is entitled to buyout pay as per his contract, as follows;

<u>Type</u>	<u># of days</u>	<u>Daily Rate (\$390.25)</u>	<u>Total</u>
Terminal Leave	50	\$ 390.25	\$19,512.50
Personal Day	2	\$ 390.25	\$780.50
Sick Day	5	\$ 390.25	\$1,951.25
Total Due			\$22,244.25

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WHEREAS, Daniel Ryan has requested to receive this payment in one installment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kenilworth that the Finance Department is authorized to make payment as indicated above based on a final calculation upon his last day.

RESOLUTION NO. 11

WHEREAS, BLAK OPS, LLC d/b/a Blackthorn Restaurant, ABC Licensee #2008-33-006-008, has requested permission to utilize the premises exterior deck with a tent for St. Patrick's Day festivities; March 13, 2019 through March 19, 2019; and

WHEREAS, the Borough Council agreed to the request for **March 13 – 19, 2019** with the following conditions:

1. There will be a daily fire inspection and a fire permit issued by the Kenilworth Fire Official daily beginning on March 13, 2019 and concluding on March 19, 2019.
2. The Kenilworth Construction Official will issue a building permit for the tent on the deck. The tent will be inspected for installation and for method it is secured to the deck and/or posts. No propane heaters will be allowed to heat the tent on the deck. This inspection shall take place on March 13, 2019 prior to the tent / deck being occupied by patrons.
3. Weather - Any inclement weather deemed to be a possible hazard by the Kenilworth Fire Department or Kenilworth Police Department will be just cause for the deck/tent to be closed to patrons. Including but not limited to: high winds, snow, extreme cold temperatures, and any unforeseen weather event or condition.
4. Two Kenilworth Firefighters in uniform with radios will be hired by the Blackthorn at the rate of \$55.00 per hour to monitor occupancy on the deck (145 patrons) and in the main bar/restaurant on March 15th, 16th, and 17th. Hours to be determined will be based on occupancy and scheduled events with a Kenilworth Fire Official. One Firefighter will be at the main entrance area and the other near the bathrooms near the entranceway to the deck from the main building.
5. Spot checks may be performed by the Kenilworth Police and Fire Departments regarding any and all safety issues or concerns.
6. Music on the deck will be allowed until 10 P.M. with the exception of Friday, March 15th, Saturday March 16th and Sunday March 17th 2019 where music can be played until midnight. Music shall be played at a reasonable level as determined and enforced by the Kenilworth Police Department.
7. There shall be absolutely no smoking on the deck while enclosed by the tent.
8. Illuminated Exit signs shall be placed above all exits.

RESOLUTION NO. 12

BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, Union County, New Jersey that the contract for Safety & Security Door Installation by **Tekcon Construction, Inc.**, as directed by Harbor Consultants, Inc., 320 North Ave., East, Cranford, NJ 07016. Said construction is hereby accepted and

REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH HELD ON WEDNESDAY EVENING, FEBRUARY 27, 2019. MAYOR ANTHONY DELUCA PRESIDED.

Tekcon Construction, Inc. as Final Payment in the amount of thirty nine thousand nine hundred dollars (\$39,900.00) is hereby considered final payment; and

BE IT RESOLVED that the payment authorized herein, is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

Harbor Consultants, Inc.
320 North Avenue, East
Cranford, NJ 07016

Tekcon, Inc.
262 Bennets Lane
Somerset, NJ 08873

CERTIFICATION OF FUNDS

APPROPRIATION:

2018 Infrastructure Grant
C8-00011

J. DeIorio, Treasurer

RESOLUTION NO. 13

BE IT RESOLVED by the Mayor and Council of the Borough of Kenilworth, Union County, New Jersey that the contract for Ballistic Window Film Installation by **Tekcon Construction, Inc.**, as directed by Harbor Consultants, Inc., 320 North Ave., East, Cranford, NJ 07016. Said construction is hereby accepted and **Tekcon Construction, Inc.** as Final Payment in the amount of thirty nine thousand nine hundred dollars (\$39,900.00) is hereby considered final payment; and

BE IT RESOLVED that the payment authorized herein, is conditioned upon compliance with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et. seq.; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

Harbor Consultants, Inc.
320 North Avenue, East
Cranford, NJ 07016

Tekcon, Inc.
262 Bennets Lane
Somerset, NJ 08873

CERTIFICATION OF FUNDS

APPROPRIATION:

2018 Infrastructure Grant
C8-00011

J. DeIorio, Treasurer

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Mayor DeLuca said Dan Ryan is retiring after 25 years and we will miss him. We now have Joe Kania who is the new Superintendent, he puts a lot of effort forth and he sees good things for him.

PROCLAMATION

WHEREAS, Daniel Ryan, a longtime member of the Kenilworth Department of Public Works, is retiring after 25 years of dedicated, professional, and honorable service; and

WHEREAS, Daniel Ryan began his distinguished career with the Borough of Kenilworth as a laborer in January of 1994; and

WHEREAS, Dan worked his way up from laborer, to Foreman, to Superintendent of the Department of Public Works; and

WHEREAS, Dan took great pride in his job; working diligently with his colleagues to ensure Kenilworth's safety and beautification; and

WHEREAS, the Borough of Kenilworth is grateful to Dan for his 25 years of dedicated service to the Department of Public Works, and most importantly, to the residents in our community; and

WHEREAS, Daniel Ryan retires on March 1, 2019 after twenty-five years of commendable dedication to the Borough of Kenilworth.

NOW, THEREFORE, I, Anthony DeLuca, Mayor of the Borough of Kenilworth, County of Union and State of New Jersey, on behalf of the Kenilworth Borough Council, do hereby proclaim:

1. That Daniel Ryan be and is hereby officially commended for his outstanding service to the Borough of Kenilworth.
2. That this Proclamation be presented to him to serve as a reminder that although he is retiring, he will always be remembered as a valued employee dedicated to both his position and our community.
3. That a copy of this Proclamation be made a part of the Official Records of the Borough of Kenilworth. I do hereby join the staff of all Borough Departments and the residents of our Community in expressing our appreciation to Daniel Ryan for his loyal and dedicated service. I extend my personal best wishes upon his retirement and for continued success in his life's pursuits. May God continue to bless him and his family.

MEETING OPEN TO THE PUBLIC

Motion was made by Councilman Karlovich, seconded by Councilwoman Ceceri to open the meeting to the public. All in favor.

Joe Grimaldi, 34 North 14th Street – Mr. Grimaldi informed everyone there will be a march on Tuesday, March 26th from 8:30AM to 4PM in Trenton. A lot of people are tired of the high taxes, bad gun laws and the poor choice to legalize marijuana and the bad decision to give illegal immigrants free college. He said maybe you don't want to lose a day of work but if we keep on paying more of these taxes then that missed day of work is going to be nothing. He said the Mayor and Council are serving the community but there are people above them in the State legislature that are serving themselves because no one wants higher taxes and poorly crafted legislation. A legislator said "we just make the

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laws, let the court settles them” and he said he can make better laws than people with that attitude. He said they are there to serve New Jersey and to write laws that actually fix things. You have a pile of laws strangling the citizens of New Jersey, everyone is overtaxed. He does not want to leave New Jersey, the only problem here are the bad laws and the high taxes and we don’t have to live with that, we have the ability to change it because we are still a free people and we have a constitution. Mr. Grimaldi handed out a flyer on the march. He said the people of Kenilworth and New Jersey need to get together peacefully and go to Trenton to protest to try and fix our State.

Motion was made by Councilman Ladauti , seconded by Councilman Schielke to close the meeting to the public. All in favor.

GENERAL BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Council, it was moved by *Councilman David* , seconded by Councilwoman Ceceri and carried, that the meeting be adjourned to the call of the chair.

9:00 P.M.

Respectfully submitted

Kathleen Moschitta
Deputy Borough Clerk